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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/621,528	07/21/2000	Andreas Muhlberger	PHO 99-534	4855

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER	
VAUGHAN, MICHAEL R	
ART UNIT	**PAPER NUMBER**
2131	6

DATE MAILED: 02/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/621,528	Applicant(s) MUHLBERGER ET AL.	
	Examiner Michael R Vaughan	Art Unit 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 July 2000*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 July 2000* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-15 have been examined and are pending.

Information Disclosure Statement

2. An initialed and dated copy of Applicant's IDS form 1449, Paper No. 4, is attached to the instant Office action.

Claim Rejections - 35 USC ' 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1, 2, 6, 7, 8, 12, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Reiner et al (USP 5,875,450).

As per claims 1 and 7, Reiner et al teach a data carrier (1) for the storage of data (column 2, line 6),

which data carrier (1) has a first interface (10) for communication with a first communication device (2) (column 2, line 15) and

which data carrier (1) has a second interface (25) for communication with a second communication device (3) (column 2, lines 16-17) and

which data carrier (1) includes an electrical circuit arrangement (12) (column 2, line 21),

which circuit arrangement (12) includes circuit parts (13, 14, 15) of the first interface (10) and circuit parts (27, 28, 29) of the second interface (25) (Figure 2, element 3) and

which circuit arrangement (12) has memory means (17) for the storage of data (Figure 1, element 5, which memory means (17) has a first storage location (22) and a second storage location (23) (column 2, line 23), and

which circuit arrangement (12) has a first memory access means (18), arranged between the first interface (10) and the memory means (17), for accessing the memory means (17) and which circuit arrangement (12) has a second memory access means (3 3), arranged between the second interface (25) and the memory means (17), for accessing the memory means (17) (Figure 1, element 7) and

which circuit arrangement (12) has access enabling means (21, 37, 39, 19) which enable the first storage location (22) to be accessed only by the first memory access means (18) (column 2, lines 34-35), characterized in that the data carrier (1) has additional memory access means (38) adapted to cooperate with the second memory access means (33) and adapted to access the first storage location (22) and designed to verify an access authorization for the access to the first storage location (22) (column 3, lines 17-21), and

in that after a positive result of the verification of the access authorization the second memory access means (33) can, in addition, access the first storage location (22) via the additional memory access means (38) and via the first memory access means (18) (column 2, lines 64-65).

As per claims 2 and 8, Reiner et al teach that the additional memory access means (38) are included in the first memory access means (18) (column 2, lines 38-41).

As per claims 6 and 12, Reiner et al teach the electrical circuit arrangement (12) of the data carrier (1) takes the form of an integrated circuit (column 2, line 21).

As per claim 13, Reiner et al teach a method (44) of accessing memory means (17) of a data carrier (1) having a first storage location (22) (Figure 1, element 5) and a second storage location (23) (column 2, line 32), the method (44) comprising the steps defined hereinafter, namely

storing data in at least the first storage location (22) of the memory means (17) (column 2, lines 33-34),

enabling the first storage location (22) to be accessed only by the first memory access means (18), characterized in that access authorizations for access to the first storage location (22) are applied to additional memory access means (38) (column 2, lines 64-65), and

in that the applied access authorizations are verified with the aid of the additional memory access means (38) (column 3, lines 17-21), and in that after verification of the access authorizations and in the case of a positive result of the verification the first storage location (22) is accessed additionally by a second memory access means (33) via the additional memory access means (38) and via the first memory access means (18) (column 4, lines 45-53).

Claim Rejections - 35 USC ' 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention

was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 3, 5, 9, 11, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reiner et al.

As per claims 3, 9, and 14, Reiner et al teach that in order for a communication device to be able to access the protected memory, that an authorization process must first be performed and successfully passed (column 2, lines 64-65 and column 4, lines 45-53). Reiner teaches that a user can carry out this procedure. Reiner et al is silent in expressly disclosing the use of matching access codes to perform the authentication procedure. The use of access codes to grant a person to a secure resource is notoriously well known in the art. It would have been obvious to one of ordinary skill in the art to protect data stored in memory with an access code. Furthermore, it would be intuitively obvious to store a copy of the access code in a secure location such as the memory so that when authenticating a person the copy can be compared to the person's input.

In view of this, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Reiner et al to include an access code as a means to perform the authentication method of his system because access

codes are a well known method in which to validate a person before granting him/her to a protected resource

As per claims 5, 11, and 15, Reiner et al teach that a first access condition must be verified in order to permit a user access to a protected memory (column 2, lines 38-45). Reiner also teaches that in order for a communication device to be able to access the protected memory, that an authorization process must first be performed and successfully passed (column 2, lines 64-65 and column 4, lines 45-53). Reiner teaches a two-step validation process that must be passed in order to gain access to the protected memory of his system. Reiner et al is silent in expressly disclosing that a copy of the access condition is stored in the memory of the system and then compared to the access condition of the communicating user. One of ordinary of skill in the art would know that in order to check for an access condition, that the condition must be stored in memory. Furthermore, it would be advantageous to store the access condition in memory so it can be safe.

In view of this, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Reiner et al to store the access condition in memory and then check to see if the communicating user has positively met the access condition before granting the user access into the system's memory because it would add another level the security of the system in addition to the access code.

5. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reiner et al in view of Schwartz et al (5,675,645).

As per claims 4 and 10, the examiner supplies the same rationale for the motivation to modify the teachings of Reiner et al to include the use of access codes as part of their authentication system. Reiner et al does not teach the use of triple DES to execute the authentication method. Schwartz et al teach the use of triple DES to help secure an authentication process in a system, which protects stored data in memory. It would be advantageous to use encryption to guard against another user spying on the authentication process.

In view of this, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of Schwartz et al with the system of Reiner et al because it would allow the system to be more secure by not sending the access codes in plaintext.

Remarks

No claim is allowed.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patents:

5,629,508 Findley Jr. et al

The present invention pertains to an electronic data access and retrieval system comprising at least first and second smart cards, a first card being encoded with digital data fields representative of predetermined information and a second card including authorization codes for enabling access to and authorized retrieval of selected information from digital data fields of the first card, and includes computer means including display means for displaying the access data. A method is also disclosed of operating an electronic secured access verification display system for displaying an indication of permissible and non-permissible access to a facility of authorized personnel and for verifying the identity of such personnel by providing IDENTITY SMART CARDS, one for each authorized person, and an ACCESS SMART CARD to each authorized operator of the system.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R Vaughan whose telephone number is 703-305-0354. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MV
Michael R Vaughan
Examiner
Art Unit 2131

AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100